

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMY WALKER,

Petitioner,

v.

WASHINGTON,

Respondent.

4:16-CV-05117-SAB

**ORDER ADOPTING REPORT
AND RECOMMENDATION
AND DISMISSING PETITION**

Before The Court is Magistrate Judge Mary K. Dimke's Report and Recommendation, ECF No. 9. Magistrate Judge Dimke found, and the Court agrees, that Petitioner failed to name a proper Respondent as required by Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts. *See Stanley v. Cal. Supr. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994). In addition, Petitioner's claims were unexhausted. *O'Sullivan v. Boerkel*, 526 U.S. 838, 842-43 (1999); *Rose v. Lundy*, 455 U.S. 509, 518-20 (1982). There being no objections, the Court **adopts** the Report and Recommendation in full.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING HABEAS PETITION -- 1**

1 **ACCORDING, IT IS ORDERED THAT:**

2 1. Magistrate Judge Dimke's Report and Recommendation, ECF No. 9, is
3 **ADOPTED IN ITS ENTIRETY** as the order of this Court.

4 2. The Petition, ECF No. 8, is **DISMISSED** without prejudice.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to **enter** this Order,
6 **enter** judgment, **forward** copies to Petitioner, and **close** the file. The Court further
7 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
8 not be taken in good faith, and there is no basis upon which to issue a certificate of
9 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

10 **DATED** this 24th day of October, 2016.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian
17 United States District Judge
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